

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.38 OF 2006

...

Engineering Projects (India)

Ltd.

...Petitioner

v/s.

Bharat Oman Refineries Ltd.

and Ors.

...Respondents

...

Mr.G.N. Srinivasan with Mr.S.P.Bharti for the
Petitioner.

Ms.S.John for the Respondents.

...

CORAM: D.K.DESHMUKH, J.

DATED: 7TH MARCH, 2006

P.C.:

The Arbitral Tribunal has rejected the claim made by the Petitioner as it was barred by the law of limitation. Admittedly, in the statement of claim it was not claimed as to on what date the cause of action accrued to the Petitioner. Objection was raised in the reply that the claim is barred by the law of limitation. Rejoinder is filed. But even in the rejoinder it is not claimed that the cause of action has accrued in December, 2000. An attempt was made to argue this point for the first time in this petition. Obviously, it cannot be permitted. I do not find any ground made out for interfering with the award under Section 34 of the Arbitration & Conciliation Act. Petition is disposed of.

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